

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRENDA BONAMIE,

Plaintiff,

v.

JO ANNE B. BARNHART,
COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

CIVIL ACTION NO. 05 CV 70614 DT

DISTRICT JUDGE AVERN COHN

MAGISTRATE JUDGE VIRGINIA M. MORGAN

SUPPLEMENTAL REPORT AND RECOMMENDATION

On March 16, 2005, plaintiff filed suit for review of a decision of the Commissioner of Social Security denying her claim for disability insurance benefits. Plaintiff subsequently filed a motion to have the matter remanded to the Commissioner for further proceedings, and the Commissioner filed a motion for summary judgment. On August 5, 2005, this court recommended that plaintiff's motion be denied and that the Commissioner's motion be granted. Plaintiff objected to the report and recommendation, stating that her attorney did not receive a copy of the Commissioner's motion for summary judgment and thus did not have an opportunity to respond. Plaintiff requested that the matter be remanded to this court for further proceedings and that she be permitted an opportunity to respond to the Commissioner's motion. The district court granted the requested relief. Plaintiff filed her response to the Commissioner's motion on September 13, 2005.

The court has reviewed plaintiff's response and finds nothing therein that warrants departure from the court's prior recommendation. Accordingly, for the reasons stated in the Report and Recommendation filed August 5, 2005, the court again recommends that plaintiff's motion for remand be **DENIED**, that the Commissioner's motion for summary judgment be **GRANTED**, and that plaintiff's complaint be **DISMISSED WITH PREJUDICE**.

The parties to this action may object to and seek review of this Report and Recommendation, but are required to act within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. Thomas v. Arn, 474 U.S. 140 (1985); Howard v. Secretary of HHS, 932 F.2d 505, 508 (6th Cir. 1991); United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). The filing of objections which raise some issues, but fail to raise others with specificity, will not preserve all the objections a party might have to this Report and Recommendation. Willis v. Secretary of HHS, 931 F.2d 390, 401 (6th Cir. 1991); Smith v. Detroit Fed'n of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this magistrate judge.

Within ten (10) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall be no more than 20 pages in length unless, by motion and order, the page limit is extended by the court. The response shall address each issue contained within the objections specifically and in the same order raised.

s/Virginia M. Morgan

VIRGINIA M. MORGAN

UNITED STATES MAGISTRATE JUDGE

Dated: September 23, 2005

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Proof of Service

The undersigned certifies that a copy of the foregoing report and recommendation was served on the attorneys of record and the Social Security Administration by electronic means or U.S. Mail on September 23, 2005.

s/Jennifer Hernandez
Case Manager to
Magistrate Judge Morgan